

REMARKS

The indication of the allowability of Claims 2-12 is noted with appreciation. Those claims are now in independent form and are in condition for allowance.

The rejection of Claims 1 and 13-23 as being unpatentable over JP '976 in view of Kaneko et al. under 35 U.S.C. §103(a) is traversed, and reconsideration thereof is respectfully requested.

The Kaneko et al. patent is relied upon by the PTO as teaching a field pole position estimating means using current detection. It is not asserted to teach the use of that feature as a fault detection mechanism. On the other hand, the Examiner implicitly acknowledges that the JP '976 document appears to teach only the concept of fault detection in connection with the current detector and not with the claimed magnetic position estimating means and thus a fault in the estimated magnetic pole position.

Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket #381KA/50302).

Respectfully submitted,



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